

Attorney Docket No. 04118/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Makoto OOKI

Serial No. : 10/789,156

Filed : February 27, 2004

For : IMAGE FORMING APPARATUS
AND IMAGE FORMING METHOD

ATTENTION: MAIL STOP 16 - REFUNDS
OFFICE OF FINANCE
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REQUEST FOR REFUND

Director of the U.S. Patent
and Trademark Office

S I R :

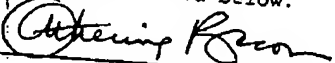
Attached hereto is a highlighted copy of our September 2005 Monthly Statement of Deposit Account 06-1378. The \$400 fee, charged on September 27, 2005 (Control No. 1, Fee Code 1201) for two additional independent claims, is respectfully submitted to be in error for the following reason.

Enclosed is a copy of the first page, along side of page 11, of the Amendment faxed to the USPTO on May 26, 2005. As noted in the CLAIM FEE paragraph on page 11; there were a total of 23 claims in the application, of which 6 were independent. At that time, payment was authorized via credit card to cover two additional independent claims. Enclosed is a copy of Form PTO-

PATENT MAINTENANCE
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2005 NOV 23
CERTIFICATE OF MAILING

US PATENT
I hereby certify this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313 on the date noted below.


Catherine Bacon

Dated: November 16, 2005

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2038 with the appropriate page from our credit card statement showing the fee was paid on May 26, 2005.

Further, a copy of the first page, along side of page 10, of the Amendment faxed to the USPTO on September 14, 2005 is enclosed. As noted in THE CLAIMS paragraph, there are still six independent claims, namely claims 22, 23, 40, 41, 43 and 44. As no new claims had been added, no charge to the undersigned's Deposit Account was required because the fee to include six independent claims was paid on May 26, 2005.

Therefore, it is respectfully requested that the Patent Office immediately credit the unnecessary \$400 fee, charged in error on September 27, 2005, to Deposit Account 06-1378.

Respectfully submitted,



Douglas Holtz
Reg. No. 33,902

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Commissioner for Patents
United States Patent and Trademark Office
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**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C. FINA
ATTN CATHERINE BACON
220 FIFTH AVENUE, 16TH FLOOR
NEW YORK NY 10001-7708

Account No. 061378
Date 9-30-05
Page 1

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[illegible]

Application No. 10/789,156
Amendment filed with RCE

Customer No. 01933

Attorney Docket No. 04118/LH
IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

CERTIFICATE OF FOCMILE
TO NO. 1-703-872-9306
TOTAL PAGES: 19

Applicant(s): Makoto OOKI

Serial No. : 10/789,156

Filed : February 27, 2004

For : IMAGE FORMING APPARATUS
AND IMAGE FORMING METHOD

Art Unit : 2876

Examiner : Edwyn Labaze

**AMENDMENT FILED
CONCURRENTLY WITH RCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

In the event that this paper is
late filed, and the necessary
fee is not paid, the necessary
fee shall be paid for extension of
time as a condition for the regular
extension of time, and to the
extent not covered by form
PTO-2036 attached hereto,
authorization to charge the
extension fee to Account
No. 06-1378.

D. Sandoz
Rafael P. Sandoz
Dated: May 26, 2005

This Amendment is being filed concurrently with a Request
for Continued Examination in response to the Final Office Action
mailed January 26, 2005 (a response to which was filed on
March 22, 2005, within two months), and the Advisory Action dated
May 4, 2005, the term for response to which is extended by one
month by petition filed concurrently herewith to June 4, 2005.
Amendments to the Claims are set forth in the listing of
claims which begins on page 2 of this paper. Claims 1-21 are
canceled; claims 22, 23, 25, 26, 40 and 41 are amended; claims
24-39 and 42 are maintained; and claims 43 and 44 are added.
Remarks begin on page 10 of this paper.

Application No. 10/789,156
Amendment filed with RCE

Customer No. 01933

In the specification at, for example, page 40, line 13 to page
46, line 5.

No new matter has been added, and it is respectfully
requested that the amendments to claims 22, 23, 25, 26, 40
and 41, and the addition of claims 43 and 44 be approved and
entered.

CLAIM FEE

The application previously contained 21 claims, of which 4
were independent, and the appropriate claim fee was paid for such
claims. The application now contains 23 claims, of which 6 are
independent. Accordingly, a claim fee in the amount of \$500.00
for the addition of 2 extra independent claims and 2 extra claims
in total is attached hereto. In addition, authorization is
hereby given to charge any additional fees which may be
determined to be required to Account No. 06-1378.

THE PRIOR ART REJECTION

In the Advisory Action dated, May 4, 2005, claims 22-42
remained finally rejected under 35 USC 102 as being anticipated
by USP 5,199,081 ("Salto et al"). This rejection, however, as
respectfully traversed with respect to the claims as amended
hereinafter.

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Application No. 10/789,156
Response to Office Action

Customer No. 01933

Attorney Docket No. 04118/LH
IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant(s): Makoto OKI

Serial No. : 10/789,156

Filed : February 27, 2004

For : IMAGE FORMING APPARATUS
AND IMAGE FORMING METHOD

Art Unit : 2876

Examiner : Edwyn Tabata

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
S I R :

This is responsive to the Office Action mailed
June 14, 2005, the term for response to which expires on
September 14, 2005.

Amendments to the Claims are set forth in the listing of
claims which begins on page 2 of this paper. Claims 1-21, 29
and 30 are canceled; claims 22, 23, 40, 41, 43 and 44 are
amended; and claims 24-28, 31-39 and 42 are maintained.
Remarks begin on page 10 of this paper.

CERTIFICATE OF MAILING
TRANSMISSION
TO NO. 1-571-273-8100
TOTAL PAGES: 14

Amendment (14)

I hereby certify that this
transmission is being furnished
for patent purposes in accordance
with the provisions of the statute
on the date noted below.

N. S. S. S. S.
Makoto P. Saito

Dated: September 14, 2005

In the event that this paper is
late filed, and the necessary
petition for extension of time
is not filed concurrently with
this paper, please consider this
amendment for the regular
extension of time, and to the
extent not covered by form
PTO-2038 attached hereto,
authorization to waive the
extension fee to Account
No. 06-1378.

Application No. 10/789,156
Response to Office Action

Customer No. 01933

REMARKS

Reconsideration of this application, as amended, is
respectfully requested.

THE CLAIMS

Independent claims 22, 23, 40, 41, 43 and 44 have been
amended to clarify that the (first) identification unit
identifies the area of the input image based on image data
obtained from the area of the input image and an identification
reference value, and that the identification reference value is
set via an operation setting unit, as supported by the disclosure
in the specification at, for example, page 19, lines 3-15, and,
for example, Figs. 2 and 3. (See also now canceled claims 29
and 30.)

No new matter has been added, and it is respectfully
requested that the amendments to claims 22, 23, 40, 41, 43 and 44
be approved and entered.

THE PRIOR ART REJECTION

Claims 22-44 were rejected under 35 USC 102 as being
anticipated by USP 5,199,081 (previously cited "Saito et al").
This rejection, however, is respectfully traversed with respect
to the claims as amended hereinabove.

United States Patent and Trademark Office
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Adjustment Date: 12/19/2005 SDIRETA1
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